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C O N F I D E N T I A L NAIROBI 002405

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [ASEC](#) [KE](#)
SUBJECT: POLICE ENGAGE MUNGIKI CRIMINAL ORGANIZATION IN
INCREASINGLY BLOODY BATTLE

REF: A. NAIROBI 2241
[1](#)B. NAIROBI 2215
[1](#)C. 06 NAIROBI 5112

Classified By: Political Counselor Larry Andre for reasons 1.4 (b,d).

[1](#)1. (SBU) SUMMARY: Following through on its pledge to destroy the Mungiki criminal organization, the Government of Kenya deployed hundreds of police to Nairobi's Mathare slum this week. Security forces conducted a series of operations to round up suspects. At least 18 people died during the operation. While the Mission is concerned by allegations of indiscriminate and excessive use of force by police, it is important to encourage appropriate law enforcement against the Mungiki, a brutal criminal organization which has killed police officers and vowed to murder more. The Ambassador plans to raise this issue with President Kibaki tomorrow, June 9. END SUMMARY.

Violence Escalates in Nairobi Slum

[1](#)2. (SBU) Overnight Tuesday June 5, hundreds of police entered the Mathare slum (which has previously been the site of bloody conflict, ref C) in response to the murder there Monday night of two police officers, allegedly by Mungiki members, an ethnic Kikuyu criminal organization (ref B). According to media reports, the police searched the slum for Mungiki members, destroying property and shooting a reported 22 alleged Mungiki, but also arresting hundreds of suspects. Police stated they were reacting not only to the murder of their colleagues, but also to the Mungiki's violent stranglehold on the slum, which included more reported beheadings and dismemberment there this week. On Thursday June 7, police again swept the slum, reportedly shooting dead 11 more people and arresting more than 250 suspects.

[1](#)3. (SBU) A police official told the Mission that reported figures were exaggerated; the total number of suspects killed in both operations is 18. He also stated that in addition to four guns, police recovered the two weapons belonging to the murdered officers, as well as a pistol belonging to a third missing police officer. Confirming reports that a skinned, severed head was found in the slum, the official said police believe it to be that of the missing officer. The police informed the Mission that they expect the Mungiki to retaliate, not just in Mathare, but in Nairobi slums and other urban areas too. The officer noted that leaflets describing an imminent Mungiki attack were distributed in the Eastlands area of Nairobi on June 7. He said the police

would be ready for them, and were using intelligence obtained from detained suspects.

Balancing Law Enforcement with Protection of Human Rights

¶4. (SBU) Enforcing the law and stopping Mungiki murder and extortion requires decisive and effective action by police under the rule of law. The Mission will approach senior Government of Kenya officials to raise the following points, which the Ambassador will also highlight during a meeting with President Kibaki on June 9:

-- We condemn violent criminal organizations in general, and the Mungiki in particular;

-- We urge the police to take an investigatory approach aimed at gathering evidence to support the arrest, indictment and successful prosecution of the Mungiki leadership, without regard to political or other connections;

-- We urge the police to take resolute action within the rule of law, including Kenya's relevant human rights statutes and international conventions, to arrest and prosecute members of violent criminal gangs that daily commit extortion and other crimes against Kenyans. No slum or housing estate or public transportation stand should be under the control of criminals;

-- We withhold judgment on events in Mathare this week until all the facts are known. We note that indiscriminate violence serves only to worsen the climate of insecurity without producing sustained reduction in criminal activity; and

-- We are concerned about the increasing climate of fear in sections of Nairobi and Central Province.

¶5. (C) Human rights organizations, too, are wary of a knee-jerk condemnation of the police operations. Police action to address the Mungiki menace is very popular with the public in Nairobi and Central Province who have long suffered Mungiki depredations. Law Society of Kenya (LSK) Chairman Eric Mogeni told poloff on June 8 that the LSK will approach the government in private, encouraging it to enforce the rule of law, but emphasizing the need to minimize death and injury of innocent Kenyans. Bottom line for the LSK, however, is that they are encouraged that the government is in fact acting against Mungiki and therefore will not publicly speak against the police. Nearly 10 police officers have been killed by Mungiki, Mogeni added. In Mogeni's view, the public, who are usually highly critical of the government's "shoot to kill" policy, are reluctant to do so in this case. Kenyans are fearful of Mungiki and want the government to do what it must to stop the violence and end effective Mungiki control over certain Nairobi slums, housing estates and transportation, and wide swathes of Central Province.

RANNEBERGER